THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.19285 of 2007

Date: 11th September, 2007

Between :-

M/s. Srimannarayana Biotech Pvt.Ltd.,
Rep. by its Area Manager A.Srinivas, ..
Petitioner

And

The Commissioner & Director of Agriculture,
Andhra Pradesh, Gunfoundry,
Hyderabad ..
Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.19285 of 2007

ORDER:-

The matter is coming up for Admission.

2. Heard the Counsel for petitioner and also the learned G.P. for Agriculture.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent in interfering with the manufacturing and sale of the petitioner's Bio-Products like Amino Acid and Sea-weed extract by issuing Memo No.PP.II(1)2085/2005, dt.21-1-2006 and the consequential letter No.PP.II2085/2005, dt.21-1-2006 as being illegal, arbitrary, unconstitutional and without jurisdiction and further direct the respondent not to interfere with in any manner in the manufacture, sale and distribution of the petitioner's Bio-products including from the licensed premises of the dealers/stockists under the Insecticides Act, 1968 and the Fertilizers Control (Order) Act, 1985 and to pass such other suitable orders.

4. Several of the facts had been narrated in paras 2 to 8 of the affidavit filed in support of the Writ Petition. Reliance also was placed on the decisions made by this Court in W.P.No.8207/2006 and Batch and also W.P.No.17508/2007 and Batch. It is not in serious

controversy that in similar cases, the Writ Petitions were disposed of with certain directions. It is also stated that these matters are not carried by way of Writ Appeals. In view of the same, the Writ Petition is disposed of with the following directions:-

(a) *it shall be open to the petitioners to submit a sample of 5 kg. of each product dealt with by them, together with the corresponding literature, throwing light upon the manufacturing process as well as the contents thereof, to the respondent herein;*

(b) *within two (2) weeks from the date of submission of the samples and the literature by the petitioners, the respondent shall get the same analysed in a suitable laboratory and intimate the result of the analysis, to the petitioners;*

(c) *in case, the analysis reveals that the products dealt with by the petitioners answer the description of the products mentioned in Schedule-III to the Control Order, the petitioners shall be entitled to deal with the products, only after obtaining licence under the Control Order. On the other hand, if the result is found otherwise, the petitioners shall not be subjected to the regime under the Control Order or the Act; and*

(d) *if the respondent fails to intimate the result of the analysis within two (2) weeks from the date of submission of the samples and the literature, it shall be open to the petitioners to deal with the products, notwithstanding the impugned letter and the memo, as long as the products are not*

secticides or chemicals.

In the light of the same, the Writ Petition is disposed of accordingly. No order as to costs.

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Justice P.S.Narayana

11th September, 2007

smr